

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

EXHIBIT LIST FOR Utah Division of Oil, Gas and Mining

**COUNSEL Melissa M. Reynolds, Assistant Attorney General
Utah Attorney General's Office, Natural Resources Division**

Board Hearing: December 09, 2015 Docket No. 2015-029 Cause No. S/047/0119

EXHIBIT #	Description	Offered as Evidence	Admitted as Evidence
Exhibit A	Blue Mountain Crushing's Notice of Intention to Commence Small Mining Operations; Reclamation Contract between Blue Mountain Crushing and the Division of Oil, Gas and Mining	✓	✓
Exhibit B	Surety Bond Agreement between Blue Mountain Crushing and Fidelity and Deposit Company of Maryland; Bond Calculation Spreadsheet demonstrating how the Division determined the appropriate amount for the reclamation surety	✓	✓
Exhibit C	Fidelity's July 24, 2014 Notice of Cancellation of the \$62,200 surety bond	✓	✓
Exhibit D	August 13, 2014 Letter from the Division to Atkinson-Leavitt reminding Atkinson-Leavitt that Fidelity remains liable for reclamation of existing disturbance, including certified return receipt	✓	✓
Exhibit E	Email showing that Blue Mountain Crushing was no longer operating the site in July of 2014	✓	✓
Exhibit F	Email containing photographs of the site from 2011, 2014, and 2015 <i>**Administrative Notice was taken of the photographs (see December 9, 2015 transcript at 17:10, 11, 12, 13)**</i>	✓	✓
Exhibit G	Division's March 31, 2015 Inspection Report	✓	✓

EXHIBIT #	Description	Offered as Evidence	Admitted as Evidence
Exhibit H	Letters from the Division to Atkinson-Leavitt and Fidelity asking whether Fidelity would reclaim or remit funds to the Division, including certified return receipt	✓	✓
Exhibit I	August 13, 2014 Letter from the Division to Blue Mountain Crushing reminding BMC of its obligation to replace the surety, including certified return receipt	✓	✓
Exhibit J	Cessation Order issued to Blue Mountain Crushing on October 29, 2014, including certified return receipt; January 7, 2015 proposed assessment of civil penalties from the Division to BMC	✓	✓
Exhibit K	Certified return receipts showing that Fidelity and the registered agents for both Blue Mountain Crushing and Atkinson-Leavitt received the Notice of Agency Action	✓	✓
Exhibit L	Certified mail receipts showing that the Division has been diligent in its efforts to send the Notice of Agency Action to Alek Cusick of Blue Mountain Crushing	✓	✓
Exhibit M	SITLA's November 4, 2013 Approval of Blue Mountain Crushing's Mineral Materials Permit for Sandstone/Shale SITLA document noting the November 4, 2014 expiration of Blue Mountain Crushing's Mineral Materials Permit	✓	✓